Scott. II-27—45,004—14-11-29.

Law (Genl.) (1930) Department.

Ms. SERIES.

G.O. No. 2207

DATED 20-5-1930.

[Despatch Abstract.]

Official Receiver,

South Kanara - appointment of [illegible] Clerk-temporary Sanctioned.

DEPARTMENT.

Q 1858 B
1243

Received ..... 192 . *Registered* ..... 192 .

Subject.

ENCLOSURES.
No .....
.....
Spare copies .....

R.O.C. No.1074-30-D3

Station Madras , *Dated the* 10th April 1930.

From (Name) M.R.Ry.V.Venkataramana Ayyar Avl., B.A.,

(Designation) Ag. Asst.Registrar, Appellate side, High Court.

To The Secretary to the Government of Madras,

Law(General) Department.

(with enclosures)

Sir,

Establishment-Official Receiver's office, South Kanara District Additional clerk-employment of-recommended.

I am to state that the Hon'ble the Judges recommend that an additional clerk on Rs.35-60 may be sanctioned temporarily for a period of one year for the office of the Official Receiver at Mangalore.

2. The District Judge of South Kanara, in urging the necessity for the employment of the additional clerk, reports that the existing establishment of only one clerk is not sufficient to cope with the increasing volume of work(please see the enclosed copies of his letter D.No. 1142 dated 22nd February 1930 and the statements received from him). The Hon'ble the Judges agree with him. I am

therefore to request that the Government may be pleased to sanction the employment of a clerk on Rs.35--60 per mensem temporarily for a period of one year.

3. The extra cost involved in the proposal can be met from the budget grant for 1930-1931 under 24(e) ii-Mufassal Civil and Sessions Courts-Pay of Establishments-Voted.

I have the honour to be,

Sir,

Your most obedient servant,

Ag.Asst.Registrar,
Appellate side.

R.H.
11.4.30

Copy of letter from the District Judge, South Kanara to the Registrar, High Court, Madras dated 22nd February 1930.

I have the honour to request that an additional clerk on the scale of 35-35-1½-60 be sanctioned for the Official Receiver, Mangalore. At present there is only one clerk and I am convinced that he is unable to deal with the increasing volume of work. As the High Court is aware, there are a large number of registers to be maintained by the Official Receiver, records have to be indexed, and there are constant references from Insolvency Courts to be answered. It has been the practice in some districts, I believe, for courts to appoint on their own responsibility an additional clerk or clerks, who are paid out of the sums realised by the Official Receiver from one or two large estates. This was recently done in Mangalore, but I cancelled the appointment, because I consider the practice to be objectionable. Only reasonably honest bankrupts have large assets to be realised, and from their assets the Official Receiver receives his commission and Government its surplus commission out of which the Official Receiver's establishment is maintained. It is therefore unjust further to burden the estates of honest insolvents by making them pay for additional clerks. On general grounds also, I consider that the clerks of the Official Receiver should be public servants and not private servants.

2. I have recently inspected the Official Receiver's office and I found that many of the prescribed registers have not been maintained, because the clerk has literally no time to attend to them. I have satisfied myself that an extra clerk is quite necessary. If this proposal is sanctioned, and I trust it will be urgently, a clerk who knows typewriting will be engaged, and a typewriter for his use will be applied for.

3. It will be seen from the statement appended to this letter that the Government has made a profit out of the surplus

commission received in South Kanara. The commission annually credited to Government will be more than adequate to meet the pay of an extra clerk.

4. Some idea of the work to be done may also be gathered from the figures given in the statement.

Statement showing the nature and amount of work to be done by the clerk of the Official Receiver.

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1. Maintenance of registers - 25 in number.

2. Issue of notices to creditors under section 64, notices to gazette, dividend notices, notices to creditors to take steps to set aside alienations; to creditors to produce vouchers in support of their claims, to debtors demanding rents and amounts due to several insolvents, to creditors and insolvents to appear and produce documents and to assist the Official Receiver in the realisation of assets; to creditors whose claims have been rejected; preparation of schedule of creditors in triplicate, of fair copies of orders admitting or rejecting claims; of statements of accounts and of dividend lists in duplicate, of monthly, quarterly and annual returns, of indents for forms, registers of stationery, and of fair copies of correspondence with seven insolvency courts.

3. Writing indexes of cases received and disposed of, filing of gazettes, c nsigning records to the Central Record Room with lists in duplicate.

Note: Item 3 is entirely in aprears and some of the registers in item No.1 have not been properly maintained for want of time.

The following figures will show that the work has increased enormously since 1925:

1. Cases pending for realisation of assets 250 involving assets of the approximate value of Rs.200000/ and liabilities of the approximate value of Rs.500000. Separate ledgers have to be opened for each insolvent's estate.

2. Claims admitted from

January 1929 up to date	Rs.29111	8	11	) involving plenty of scriptory work detailed above.
Claims satisfied for 1929-30	Rs. 36239	6	0	
Assets realised in 1929-1930	Rs. 77598	3	7	

3. Refund to Government 1928-29 (Average for the past four years being Rs.1077-1-2 ✓) — Rs. 1619 8 8

4. Cases in which dividend was declared 1929-1930 — 46 in 1929 as against 53 from 1915-25.

5. Cases closed after complete administration 1929-1930 — 80

6. Inward registers - papers received ... 789 in 1929 Cf.75 in 1918

7. Despatch Register ... 423 in 1929 Cf.48 in 1918

8. Court fee register. ... 479 in 1929 Cf.65 in 1918

Sd. John P.Sequeira

Official Receiver.

(True copy)

11.4.30

Statement submitted by the Official Receiver, South Kanara, as per Dis No. 15-79 dated 14-3-30 called for High Court R.O.C. No. 1074-30-D-3, dated 12-3-30.

Serial No.	Period.	Cases pending at the commencement of the year.	Cases received after adjudication.	Cases received adjudicated by this Court.	Cases dismissed for want of prosecution or transferred.	Cases finally closed after administration.	Cases pending at the end of the year.	Amount realised. (Receipts).	Amount disbursed (Expenditure)	Audit fees credited to Government	Court fees collected.	Commission refunded to Government.	Pay of establishment.	Contingencies
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16.
1	1926-27	238	60	5-6 / 1-5	37	5-0	10/	229	1,26,901 0 0	1,03,443 0 0	545 8 2	438 4 0	105-3 / 4	5-76 0 0	5-4 0 3
2	1927-28	229	—	99	—	—	77	25-1	1,47,582 0 0	98,933 0 0	749 10 11	329 4 0	720 12 0	5-88 0 0	5-8 5 2
3	1928-29	25-1	—	81 / 2-4-0 / 7-2	—	—	95 / 12-2-0 / 9-1	237	64,059 13 2	85,673 10 2	727 11 11	211 8 0	1619 8 8	600 0 0	600 0 0
4	1929-30 Up to 16-3-30	237	—	76	—	—	85-		69,333 5 0	44,731 15 11	5-00 12 5	148 4 0	X 5-84 2 10	612 0 0	15- 0 0

X Commission 90 per refunded.

RA
11.4.30

Law (General) Department.

Official Receiver, South Kanara- Appointment of a tempy. clerk.

C.No.1858B. From the Asst.Regr; High Court,R.O.C.No. 1074-30-D3, dated the 10-4-30.

A.S.

The Hon. the Judges recommend the appointment of an additional clerk in the Office of the Official Receiver, South Kanara for a period of one year. In a memorial received from the Official Receiver, South Kanara in 1927, the O.R. stated that the scriptory work in his office could not be managed by the single clerk working under him and that therefore he was utilising the services of another clerk who was paid from his own pocket. In that connection it was observed that when the Official Receiver found the necessity for an additional clerk he ought to have represented the matter to the Dt. Judge and that if there was a real necessity the Government would have sanctioned the additional establishment. The O.R. was then informed that the Govt. saw no reason to comply with his request.

The question for consideration is whether the work in the Office of the Official Receiver, South Kanara is such that an additional clerk should be sanctioned, in addition to the existing clerk. Recently a clerk has been sanctioned for each of the offices of the Official Receivers of Coimbatore and Tinnevelly for one year and six months respectively (in addition to the existing clerk in each office). The following statement compares the state of work in the districts of Coimbatore, Tinnevelly and South Kanara:-

Nature of work	Coimbatore Average for 1926-28	Tinnevelly Avg. for 1926-28	S. Kanara. Avg.for 26-27 to 28-29.
No. of Insolvency petitions filed	433	113	98
No. of Insolvency petitions disposed of	231	82	91
Total assets realized	1,35,542	1,21,748	1,12,841
Total amount distributed	82,487	85,253	96,016

The work in South Kanara is about the same as in Tinnevelly. It will be observed from the Dt. Judge's letter at pages 3-4 C.F. that " many of the prescribed registers have not been maintained because the clerk has literally no time to attend to them". Work connected with writing of Indexes of cases received and disposed of, filing of Gazettes, consigning records to the Central Record room with lists in duplicate is also in arrears.

In the circumstances it is submitted that the Government may accept the High Court's proposal for the appointment of an additional clerk. The High Court recommends that the clerk may be in the Rs.35-60 scale and that the appointment may be sanctioned for a period of one year. It is submitted that the pay of the tempy. clerks sanctioned for the Offices of the Official Receivers of Coimbatore and Tinnevelly has been fixed at Rs. 30/ a month. The same pay may be sanctioned for the clerk now proposed. As regards the period of appointment, it seems sufficient if a clerk is appointed with effect from the reopening of the Dt. Court, S. Kanara after the summer recess of 1930 up to the commencement of the summer recess of that court for the year 1931.

A draft order is submitted. It may issue with the concurrence of Finance.

24/4

25/4

29.4

Law Secy. 18.8.31

SK

(1 3

Finance & R.

Draft order

The proposal of the Law Dept is to sanction an additional clerk on Rs 30 p.m temporarily from the reopening of the District Court after the Summer recess 1930 up to the Commencement of the Summer recess 1931 in the office of the official receiver, S. Kanara.

Para 2 on p4 ante (J) Cr. 605 Tang 12 2 30

2/ 9 districts with an average of about 100 insolvency petitions are treated as heavy and the normal staff allowed to the official Receivers in such districts is 1 clerk on Rs 35-60 and one peon on Rs 12-18. In other districts a part time clerk is deputed from the Dt Court to help the Official Receiver in his clerical work.

Annexure One, No. of insolvency petitions filed for 25 months 98.

3/ The statistics on p1 ante show that the S. Kanara Dt is not particularly heavy in district to justify the employment of an additional clerk. If the establishment of the Dt Court helps the Official Receiver's clerk in times of pressure, there may not be any need for an extra clerk; but once a separate clerk is sanctioned for the official Receiver no help is evidently rendered by the regular staff of the Dt Court.

W 4

Having regard to the existing state of work in the office of the Official Receiver S. Kanara, Finance may perhaps agree to an additional clerk on Rs 30 for 6 months from the date of reopening of the Dist. Courts after the Summer recess of 1930.

Subject to Contd. orders above, the draft order may be accepted.

5.5.30

7/5/30

Fin no. 14769 & R-1 2030.

Law (Genl.)

Law (Gl.) Deptt.

A.S. The Finance Deptt. has apparently agreed to sanctioning a clerk for six months. This may be agreed to. The draft as amended may now issue.

12/5

13/5

J

15/5

12/5

16-5-30

Secth. II-5 (a)—50,006—5-11-29.

Law (General) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..	24/5	
When examined ..		
When signed ..	26/5/30	
When despatched ..		

Official Receiver,

South Kanara. appointment of an additional clerk-temporary- sanctioned.

READ AGAIN G.O. No. ....., dated 19

" " " " " 19

READ ALSO :—

C. No. 1858B. From the Asst. Regr; H.Court, R. O/C. No. 1074-30/D3. dated 10-4-30. 19

" " " " " " 19

" " " " " " 19

ORDER. No. 2207 dated 20/5/30 19

Misc.

The Hon. the Judges recommend the appointment of an additional clerk on Rs. 35-60 a month in the Office of the Official Receiver, South Kanara for a period of one year. The Government consider that it is sufficient if an additional clerk is sanctioned (for six months) with effect from the reopening of the courts after the summer recess of 1930, ~~up to the commencement of the summer recess of 1931~~ They also consider that as most of the work in the office of the Official Receiver is of a routine nature and as the proposed clerk has to work under the existing permanent clerk who is in the Rs. 35-60 scale, it is sufficient if the pay of the clerk is fixed at Rs. 30/ a month. They accordingly sanction the appointment of an additional

clerk on Rs. 30/ a month in the Office of the Official Receiver, South Kanara for six months with effect from the reopening of the Dt. Court South Kanara after the summer recess of 1930, ~~up to the commencement of the summer recess of that court for the year 1931~~.

The cost will be met from the appropriations under "24-c- Adm. of Justice- Civil and Sessions Courts-ii- Mufassal Civil and Sessions Courts- Pay of Establishments- Voted" in the current year's budget grant.

To

The Hon. the C.J. with C.L.
The A.G. thro. Finance
The Finance Department.

Dpd. by
Asst. to
Dept's. Initials
1929